

1 HOLLAND & KNIGHT LLP
2 Vito A. Costanzo (SBN 132754)
3 Theresa A. Middlebrook (SBN 89709)
4 633 West Fifth Street, 21st Floor
5 Los Angeles, California 90071-2040
6 Telephone (213) 896-2400
7 Facsimile (213) 896-2450

8
9 Attorneys for Plaintiffs
10 Huhtamaki Finance, B.V.,
11 Hershey Chocolate & Confectionery
12 Corporation and the Hershey Company

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 HUHTAMAKI FINANCE, B.V., a
14 Netherlands corporation;
15 HERSHEY CHOCOLATE &
16 CONFECTIONERY
17 CORPORATION, a Delaware
18 corporation; and THE HERSHEY
19 COMPANY, a Delaware corporation

20 Plaintiffs,

21 - vs -

22 KENNETH DEAN AFFOLTER, an
23 individual, dba BEYOND BOMB

24 Defendant.

CASE NO. C07-02514 RS

DECLARATION OF VITO A.
COSTANZO IN SUPPORT OF
REQUEST TO ENTER DEFAULT

25
26
27
28
DECLARATION OF VITO A. COSTANZO

I, Vito A. Costanzo, declare as follows:

1. I am attorney at law licensed to practice before this Court and I am a member of Holland & Knight LLP, counsel for Plaintiffs herein. I have personal knowledge of the matters stated herein and could truthfully testify thereto if called upon as a witness.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)		TELEPHONE NUMBER	FOR COURT USE ONLY	
HOLLAND & KNIGHT LLP 633 W FIFTH ST 21ST FL LOS ANGELES CA 90071		896-2400		
ATTORNEY FOR PLAINTIFF		Ref. No. or File No. 110779		
Insert name of court and name of judicial district and branch if any.				
U.S DISTRICT COURT 312 N SPRING ST CENTRAL DISTRICT LOS ANGELES CA 90012				
SHORT TITLE OF CASE: HUHTAMAKI v. KENNETH DEAN AFFOLTER				
INVOICE NO. 183960	DATE:	TIME:	DEP./DIV.	CASE NUMBER: C07-02514

PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action, and I SERVED COPIES of the:

SUMMONS IN A CIVIL CASE; COMPLAINT; PLAINTIFFS' CERTIFICATE OF INTERESTED PARTIES; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; CIVIL COVER SHEET.

2. a. Party served: KENNETH DEAN AFFOLTER, an Individual
b. Person served: R.J. ZAVALA (Deputy Badge #992)
Deputy in Charge of Service of Process
c. Address: GLENN E. DYER DENTENTION
550 SIXTH ST
OAKLAND CA 94607

3. Manner of Service in compliance with: Federal Rules of Procedure

4. I served the party named in item 2

a. BY PERSONALLY DELIVERING the copies (1) On: 05/15/07 (2) At: 2:24PM

5. Person serving: RONALD ECCLES Fee for service \$.00

APEX ATTORNEY SERVICES
1055 WEST SEVENTH STREET
LOS ANGELES, CA 90017
213-488-1500 FAX

- d. Registered California process server
(1) ☐ Employee or ☒ Independent Contractor
(2) Registration No.
(3) County: Alameda
(4) Expiration: 8/5/3

I declare under penalty of perjury, under the laws of the of California, and of the United States of America that the foregoing is true and correct.

DATE: 05/16/07

SIGNATURE

EXHIBIT 1 DS 116107

PROOF OF SERVICE

State of California)
)
County of Los Angeles) ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 633 West Fifth Street, 21st Floor, Los Angeles, California 90071.

On July 2, 2007, I served the document described as **DECLARATION OF VITO A. COSTANZO IN SUPPORT OF REQUEST TO ENTER DEFAULT** on the interested parties in this action, enclosed in a sealed envelope, addressed as follows:

David M. Michael, Esq.
414 Gough Street, #2
San Francisco, CA 94102

Kenneth Dean Affolter
Glenn E. Dyer Detention
550 Sixth Street
Oakland, CA 94607

☒ **(By Mail)** Following ordinary business practices, I placed the document for collection and mailing at the offices of Holland & Knight LLP, 633 West Fifth Street, 21st Floor, Los Angeles, California 90071, in a sealed envelope. I am readily familiar with the business's practice for collection and processing of correspondence for mailing with the United States Postal Service, and, in the ordinary course of business, such correspondence would be deposited with the United States Postal Service on the day on which it is collected at the business.

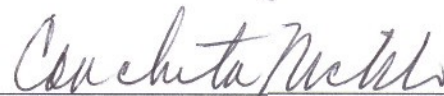
☐ **(BY UPS)** Following ordinary business practices, I placed the document for collection and UPS delivery at the offices of Holland & Knight LLP, 633 West Fifth Street, 21st Floor, Los Angeles, California 90071. I am readily familiar with the business' practice for collection and processing of correspondence for delivery by UPS, and, in the ordinary course of business, such correspondence would be deposited with UPS on the day on which it is collected at the business.

☐ **(BY PERSONAL SERVICE)** I delivered such envelope by hand to the offices of the addressee stated on the attached service list.

X (FEDERAL)

I declare under penalty of perjury under the laws of the United States the above is true and correct and that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on July 2, 2007, Los Angeles, California


Conchita Nickles